



May 18, 2009

William R. Norman, Jr.
Hobbs, Strauss, Dean and Walker, LLP
117 Park Avenue, 2nd floor
Oklahoma City, OK 73102

RE: The Comanche Nation Gaming Ordinance Amendment

VIA FACSIMILE : 405-602-9426

Dear Mr. Norman:

This letter responds to your request to the National Indian Gaming Commission (NIGC) for the review and approval of an amended Comanche Nation Gaming Ordinance that was received May 4, 2009. The original Comanche Nation Gaming Ordinance was approved on April 10, 1996. The most recent previous amendment approval occurred on February 15, 2007.

This amendment to the Comanche Nation Gaming Ordinance was adopted by the Comanche Business Committee by Resolution No. 56-09, dated April 16, 2009. This letter constitutes approval of this amended Gaming Ordinance as submitted pursuant to the Indian Gaming Regulatory Act (IGRA).

However, it is important to note that the Gaming Ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Comanche Nation exercises jurisdiction. Furthermore, this approval does not constitute approval of specific games.

Thank you for submitting this amendment to the Comanche Nation Gaming Ordinance and for working with our staff to assure that this version is comprehensive and in full conformity with IGRA. Should you have any questions or concerns, please contact Toni Cowan, at 202-632-7039, the staff attorney assigned to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip N. Hogen", is written over a large, stylized circular flourish.

Philip N. Hogen
Chairman

cc: Wallace Coffey, Chairman, Comanche Nation



**A RESOLUTION OF THE COMANCHE BUSINESS COMMITTEE
ENACTING A NEW COMANCHE NATION GAMING ORDINANCE**

WHEREAS, the Comanche Nation is a federally recognized Indian Tribe with a constitution approved by the Secretary of the Interior on January 9, 1967, to safeguard tribal rights, powers, and privileges to improve the economic, moral, educational, and health status of its members; and

WHEREAS, the Comanche Business Committee is the duly elected official body designated to promulgate and enforce ordinances and codes governing law and order to protect the peace, health, safety, and general welfare on land determined to be within Comanche tribal jurisdiction pursuant to Comanche Constitution, Article VI § 7(j); and

WHEREAS, the Comanche Business Committee adopted the Gaming Ordinance in December 2005 (the "Ordinance") and now desires to improve the Ordinance by enacting re-codified and amended Ordinance based upon the recommendations of the Comanche Nation Gaming Board of Directors and the Comanche Nation Gaming Commission.

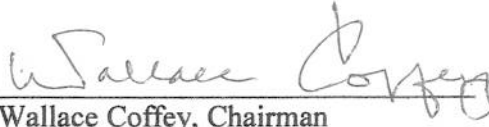
NOW THEREFORE BE IT RESOLVED, that the Comanche Business Committee ordains the enactment of the attached **Gaming Ordinance** as amended; provided, that such new Gaming Ordinance shall not become effective until approval by the National Indian Gaming Commission ("NIGC").

BE IT FURTHER RESOLVED THAT the Business Committee directs the Chairman to obtain approval of said ordinance by the NIGC.

BE IT FURTHER RESOLVED THAT immediately upon receipt by the Chairman of written notification from the NIGC approving the aforesaid and attached Gaming Ordinance, the Gaming Ordinance enacted pursuant to Resolution No. 103-05 on December 3, 2005, shall be deemed repealed and of no further effect, and concurrently, that the new Gaming Ordinance shall be deemed in full force and effect.

CERTIFICATION

The foregoing resolution was adopted at a regular meeting of the Comanche Business Committee held on the 16th day of April 2009, at the Comanche Business Complex, Lawton, Oklahoma, by a majority vote of 5 for, 0 against, and 1 abstaining, a quorum being present.


Wallace Coffey, Chairman

ATTESTED:


Robert Tippeconnie, Secretary-Treasurer

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PART 100 GENERAL PROVISIONS

Section 101. Purpose

The Comanche Business Committee ("CBC"), empowered by Article VI § 7(j) of the Comanche Nation ("Nation") Constitution to enact ordinances, hereby enacts this ordinance in order to govern Class II and Class III gaming on the Nation's Indian lands.

Section 102. Definitions

Unless a different meaning is clearly indicated in this Ordinance, the terms used herein shall have the same meaning as defined in the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. § 2701 *et seq.*, and its regulations, 25 C.F.R. § 501 *et seq.* Specifically:

- (A) **Board of Directors** means the Comanche Nation Gaming Board of Directors established by the CBC, which oversees the Executive Management of the non-regulatory aspects of the Nation's gaming operations in accordance with Part 200.
- (B) **CBC** means the Comanche Business Committee.
- (C) **Class I Gaming** means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.
- (D) **Class II Gaming** means:
 - (1) The game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith):
 - (a) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,
 - (b) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and
 - (c) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and
 - (2) Card games that:

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- (a) are explicitly authorized by the laws of the State, or
 - (b) are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.
- (3) The term "Class II Gaming" does not include:
 - (a) any banking card games, including baccarat, chemin de fer, or blackjack (21), or
 - (b) electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.
- (E) **Class III Gaming** means all forms of gaming that are not Class I Gaming or Class II Gaming.
- (F) **Commission** means the Comanche Nation Gaming Commission established by the CBC, which performs regulatory oversight and monitors compliance with Tribal, Federal, and applicable State laws and regulations in accordance with authority provided by Part 300.
- (G) **Commissioner** means a person appointed by the CBC to serve on the Comanche Nation Gaming Commission, including the alternate Commissioner unless otherwise specified.
- (H) **Compact** means the Comanche Nation – State of Oklahoma Gaming Compact concerning Class III gaming approved by the Secretary of the Interior and published in the Federal Register pursuant to 25 U.S.C. § 2710(d).
- (I) **Complimentary** shall have the meaning as set forth in 25 C.F.R. § 542.2.
- (J) **Confidential Information** means all private and proprietary, gaming-related information of the Comanche Nation, Board of Directors, and Commission that may have a significant adverse impact on the Nation, the Board of Directors, Commission, the Nation's employees, Patrons, and/or Vendors if it is published or its integrity compromised and shall include information protected by federal privacy laws and the kind of information exempted from disclosure under the federal Freedom of Information Act (FOIA).
- (K) **Directly related to** means a spouse, child, parent, grandparent, grandchild, aunt, uncle, sibling, or first cousin.

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- (L) **Director** means a person appointed by the CBC to serve on the Gaming Board of Directors.
- (M) **Executive Management** means those persons employed by the Board of Directors to perform the management, administration, and supervision of the day-to-day aspects of the Nation's gaming facilities, which may include but not be limited to duties and functions normally associated with a chief executive officer, chief operating officer, chief information officer, chief financial officer, or gaming facility manager.
- (N) **Gaming operation or gaming facility** means any enterprise or place where Class II or Class III Gaming activities authorized and regulated by this Ordinance are conducted.
- (O) **Gaming Vendor** means any person, business, or entity who manufactures, distributes, sells, supplies, markets, services, repairs, updates, installs, removes, or otherwise provides goods or services directly related to Class II or Class III gaming and equipment directly associated with such gaming to a gaming facility operated by the Nation.
- (P) **Indian lands** means:
- (1) all lands within the limits of the Comanche Nation's reservation;
 - (2) any lands title to which is either held in trust by the United States for the benefit of the Nation or individual or held by the Nation or individual subject to restriction by the United States against alienation and over which the Comanche Nation exercises governmental power; and
 - (3) for all lands acquired into trust for the benefit of Comanche Nation after October 17, 1988, the lands meeting the requirements set forth in 25 U.S.C. § 2719.
- (Q) **Key Employee** means:
- (1) A person who performs one or more of the following functions:
 - (a) Bingo caller;
 - (b) Counting room supervisor;
 - (c) All security employees;
 - (d) Custodian of gaming supplies or cash;

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- (e) Floor manager;
 - (f) Pit boss;
 - (g) Dealer;
 - (h) Croupier;
 - (i) Approver of credit, pay-outs, or complimentary items;
 - (j) Custodian of gambling devices (including persons with access to cash and accounting records within such devices) and/or financial records;
 - (k) All surveillance employees;
 - (l) Any shift supervisor; or
 - (m) Any other position which the Commission may determine has a direct impact on the integrity of gaming operations or public safety to a degree which justifies the application of key license suitability criteria.
- (2) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
- (3) If not otherwise included, the four (4) most highly compensated persons in a casino.
- (R) **Nation** means the Comanche Nation.
- (S) **Net Revenues** means gross gaming revenues of an Indian gaming operation less:
- (1) Amounts paid out as, or paid for, prizes; and
 - (2) Total gaming-related operating expenses, excluding management fees.
- (T) **NIGC** means National Indian Gaming Commission.
- (U) **Non-gaming Vendor** means any person, business, or entity which provides goods and services to a gaming facility operated by the Nation which is not necessary for, or directly related to, the conduct of Class II or Class III gaming activities.
- (V) **Patron** means any natural person who enters upon the premises of a gaming facility for the purpose of playing games located therein.

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- (W) **Per Capita Payment** means the distribution of money or other thing of value to all members of the Nation, or to an identified groups of members, which is paid directly from the net revenues of any tribal gaming activity.
- (X) **Person having a direct or indirect financial interest in a management contract** means:
- (1) When a natural person is a party to a management contract, any person having a direct financial interest in such management contract;
 - (2) When a trust is a party to a management contract, any beneficiary or trustee;
 - (3) When a partnership is party to a management contract, any partner;
 - (4) When a corporation is a party to a management contract, any person who is a director or who holds at least 10% of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling; or
 - (5) When an entity other than a natural person has an interest in a management contract or a trust, partnership or corporation that has an interest in a management contract, all parties of that entity are deemed to be persons having a direct financial interest in a management contract.
- (Y) **Primary Management Official** means:
- (1) The person(s) having management responsibility for a management contract;
 - (2) Any person who has authority:
 - (a) To hire and fire gaming operation employees;
 - (b) To establish and supervise working policies for the gaming operation; or
 - (c) The chief financial officer or other person who has financial management responsibility for a gaming operation.

Section 103. Gaming Authorized and Regulated

- (A) Class II and Class III gaming are hereby authorized to be conducted in accordance with this Ordinance.

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- (B) Any Class III gaming shall be authorized if conducted in accordance with a Compact between the Nation and the State of Oklahoma or Secretarial procedures approved by the Secretary of the Interior.

Section 104. Ownership of Gaming

The Nation shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance.

Section 105. Use of Net Revenue from Gaming

Net Revenues from tribal gaming shall be used only for the following purposes:

- (A) To fund tribal government operations and programs;
- (B) To provide for the general welfare of the Nation and its members;
- (C) To promote tribal economic development;
- (D) To donate to charitable organizations; or
- (E) To help fund operations of local government agencies.

Section 106. Per Capita Payments

The Nation shall authorize and issue per capita payments to Comanche Nation tribal members **only** in accordance with a revenue allocation plan submitted to and approved by the Secretary of the Interior under 25 U.S.C. § 2710(b)(3).

Section 107. Environment and Public Health and Safety

- (A) Gaming facilities shall be constructed, maintained, and operated in a manner that adequately protects the environment and the public health and safety.
- (B) The CBC shall, with input from the Board of Directors and Commission, adopt standards for gaming facilities that assure adequate protection of the environment and the public health and safety.

Section 108. Agent for Service of Process

The Nation hereby designates the Chairman of the Comanche Nation as agent for service of process, who may be contacted at:

584 N.W. Bingo Road,
Lawton, OK 73507

With additional concurrent notice to:

Chairman of the Comanche Gaming Board of Directors
1915 East Gore Boulevard

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Lawton, OK 73501

And

Chairman of the Comanche Nation Gaming Commission
1915 East Gore Boulevard
Lawton, OK 73501

Section 109. Compliance with Federal Law

The Nation, Board of Directors, and Commission shall comply with all applicable federal law, including the Bank Secrecy Act, 31 U.S.C. § 5311 *et seq.*, regulating the conduct of gaming on Indian lands.

Section 110. Repealer

All prior gaming ordinances of the Comanche Nation are hereby repealed.

Section 111. Tribal Member Access to Financial Information

A copy of the Nation's gaming operation annual audit shall be forwarded by the Board of Directors to the CBC and Commission and shall be made available for review, upon reasonable request, to Comanche Nation tribal members.

Section 112. Confidential Information

- (A) Confidential Information shall be safeguarded by strong custody and access procedures by the Nation, Board of Directors, and Commission.
- (B) Confidential Information shall be made available only to authorized persons or for authorized functions on a "need to know" basis.
- (C) Confidential Information shall **not** be considered tribal records subject to disclosure to Comanche Nation tribal members pursuant to Comanche Constitution, Article X, section 4 (2002).

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PART 200. GAMING BOARD OF DIRECTORS

Section 201. Gaming Board of Directors Created

- (A) There shall be established an enterprise entity of the Nation which shall be known as "**Comanche Nation Gaming Board of Directors**" (hereinafter "Board of Directors") which shall possess the same immunity and tax status of the Nation.
- (B) The Board of Directors shall oversee and control all non-regulatory aspects of the Nation's gaming operations through oversight of the Executive Management of the facilities and adoption of policies and procedures to govern the gaming operations
- (C) The operations of the Board of Directors, including Executive Management and staff hired thereby, shall be an authorized gaming-related operating expense of the Nation's gaming operations for purposes of audit and determining Net Revenues as defined hereunder, and for purposes of the determination of Net Gaming Revenue subject to distribution under the Nation's Revenue Allocation Plan.
- (D) In the event that the Nation enters into a management contract approved by the NIGC, the Board may delegate some or all duties to the approved management contractor.
- (E) The actions and duties of the Board of Directors shall not violate applicable gaming laws or interfere with the Commission's regulation of the Nation's gaming operations by the Commission.

Section 202. Board Composition; Quorum

- (A) The Board of Directors shall consist of three (3) members; a Chairman, Vice-Chairman, and a Director.
- (B) At least two (2) board members must be present to hold an official meeting and the concurrence of two (2) board members shall be required for any official action at such meeting.
- (C) Board members shall serve in such capacity until his/her respective successor shall be duly appointed and qualified unless such board member is removed in accordance with this Ordinance prior to the expiration of a term.
- (D) The Chairman of the Board shall call for and preside over all meetings and hearings of the Board of Directors and shall execute all official documents of the Board.

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- (E) The Vice-Chairman of the Board shall perform the duties of the Chairman in the Chairman's absence.

Section 203. Director Terms

Terms of office for members of the Board of Directors shall be three (3) year terms and each staggered by one year to result in the appointment of one (1) Director per year. A Director may be re-appointed by the CBC without limitation on the number of terms.

Section 204. License Required

The members of the Board shall be subject to the same background check and license eligibility requirements as Key Employees and Primary Management Officials, found in Part 400 of this Ordinance and regulations promulgated hereunder, and each must be licensed accordingly in order to qualify for and retain office.

Section 205. Director Eligibility

In addition to satisfying the licensing suitability standards set forth for Key Employees and Primary Management Officials found in Section 407 of this Ordinance, each candidate for Director must possess at least two (2) of the following qualities:

- (A) Degree in Business Administration, Accounting, Marketing, or an equivalent field;
- (B) Minimum five (5) years experience in business management;
- (C) Minimum two (2) years experience in casino management; or
- (D) Demonstrated knowledge of federal Indian law, the Indian Gaming Regulatory Act, and related statutes and regulations.

Section 206. Board Duties

The Board of Directors shall perform the following duties:

- (A) Hire, direct, and supervise a Chief Executive Officer in accordance with Sections 230-237, or a similarly qualified and approved management contractor;
- (B) Establish, adopt, and cause to be implemented Board and casino operations policies and procedures to guide development, protect Patrons, employees, and property, promote operational efficiency, reduce operating costs, comply with relevant laws and regulations, and encourage growth of Net Revenues;

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- (C) Monitor and oversee the operations of gaming facilities to ensure accomplishment of the following duties:
- (1) Oversee the inspection and examination on a periodic basis all books, records, and papers of the gaming facilities;
 - (2) Set policies for hours of operation, serving of alcoholic beverages, gaming activities, security of employees and Patrons, maintenance or improvement for the gaming facilities;
 - (3) Oversee establishment of wager limits, prize limits, and pay-out ratios by Executive Management;
 - (4) Oversee development and/or approval of marketing plans by Executive Management;
 - (5) Oversee the development of interview, selection, and training policies for employees of the gaming operation by Executive Management;
 - (6) Adopt and oversee the implementation of employee policies, rates of pay, benefits, and hours of work by Executive Management;
 - (7) Adopt and oversee the implementation of annual operating budget for each gaming facility by Executive Management;
 - (8) Enter into and cause the performance of contracts on behalf of the gaming facilities in accordance with Section 208;
 - (9) Provide a copy of all contracts to the Commission;
 - (10) Oversee the investigation and negotiation to resolve Patron complaints related to tort claims and prize claims in accordance with Section 220 of this Ordinance; and
 - (11) Any other duties or powers provided herein or necessary to monitor and oversee management of the gaming operation of the Nation.

Section 207. Board Role

The Board of Directors shall not assume the role of, or act as, Executive Management personnel, but rather shall delegate all management functions to Executive Management and oversee the performance of Executive Management which shall consist of industry professionals and subject matter experts.

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Section 208. Board Contracting Limitations

Notwithstanding any other provisions of this Ordinance, without first obtaining the approval by written resolution of the CBC, the Board shall have no power to enter into any contract or agreement:

- (A) for the management, by any person not having the status of an employee of the Board, of any game, gaming facility, or any portion thereof under the jurisdiction of the Nation and requiring the approval of the NIGC;
- (B) for the construction or purchase of buildings or any other improvements to real property or buildings thereon exceeding \$3,000,000.00;
- (C) with any other Indian tribe or its agency, or any unit of federal, state, tribal or local government, except for the routine provision of utilities, including but not limited to water, sewer, electrical and other goods and services related to the gaming operations including but not limited to marketing, transportation, lodging, and distribution;
- (D) granting any person a possessory interest in real property;
- (E) which, by its terms, violates the Nation's gaming laws, the regulations of the Commission or the NIGC, the Indian Gaming Regulatory Act or other applicable federal law;
- (F) which contains any provision purporting to waive the Nation's sovereign immunity or which purports to subject the Nation to the jurisdiction of any tribal, state, or federal court unless:
 - (1) Such waiver and consent to suit is limited to claims only arising from acts or omissions of the Nation which breach the contract;
 - (2) Enforcement under such contract is limited to injunctive relief or to actual contract damages against the Nation limited to specifically identified security or assets within the control of the Board of Directors not to exceed the lesser of the value of the contract or Three Million Dollars (\$3,000,000.00), provided that such security or asset shall not include any property held in trust by the United States on behalf of the Nation;
 - (3) Such consent to suit is limited to courts of the Comanche Nation; and
 - (4) The contract is expressly approved by legal counsel as to its form and contain such other conditions or limitations not inconsistent with this Section.

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Section 209. Void Contracts

Any contract or action of the Board of Directors or gaming operation manager which by its terms violates any provision of Section 208 of this Ordinance shall be null, void, and unenforceable *ab initio* in its entirety including any provision for arbitration therein.

Section 210. Appointment of Director

- (A) For any vacancy on the Board of Directors, the Chairman of the Comanche Nation shall call for resumes from qualified candidates.
- (B) The CBC shall review resumes received and shall choose from among them a person meeting the qualifications of this Ordinance.
- (C) The CBC shall confirm such appointment by resolution.

Section 211. Disqualification of Director

The Nation recognizes the importance of an independent Board of Directors in maintaining a well-managed gaming operation, and to avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Nation hereby finds that, at a minimum, the following persons are not qualified to to serve on the Board of Directors:

- (A) Member of the CBC or Commission;
- (B) Employees of the gaming operation, while employed as such;
- (C) Persons having a direct or indirect financial interest in a gaming management or operations contract (including any principal or member of a management or other contracting company);
- (D) Persons directly related to or sharing a residence with any of the above;
- (E) Persons ineligible to be licensed as Key Employees or Primary Management Officials;
- (F) Tribal and Non-tribal members previously convicted of a felony, of embezzlement, of theft, or of any other money-related crime or honesty-related crime (such as fraud).

Section 212. Removal of Director

- (A) Members of the Board of Directors may be removed from office by the CBC prior to the expiration of their respective terms only for neglect of duty,

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misconduct, malfeasance, or other acts that would render the Director unqualified for his/her position.

- (B) When the CBC believes that a removal is appropriate, it shall so notify the Director(s) and hold a hearing on the matter.
- (C) The CBC may opt to preliminarily remove the Director pending the hearing.
- (D) At the hearing such Director may provide evidence rebutting the grounds for his/her removal.
- (E) A vote of the CBC on the appropriateness of removal shall be final and not subject to further appeal.
- (F) A finding by the CBC that the preliminary removal was wrongful shall entitle the affected Director to compensation for expenses incurred in an appeal and any pay withheld.
- (G) The unexpired term of a Director removed under this Section shall be filled in accordance with this Ordinance.

Section 213. Director Compensation

- (A) Members of the Board of Directors shall be compensated at a level determined by the CBC.
- (B) Members of the Board of Directors shall not be considered employees of the Nation or gaming operations for any purpose and shall carry out the responsibilities of their terms on a part-time periodic basis.

Section 214. Board Meetings

- (A) The Board of Directors shall hold regular meetings monthly and special meetings as needed.
- (B) The Board of Directors shall keep a written record of all meetings and make such records available to the CBC or the Commission upon request.

Section 215. Board Reports

The Board of Directors shall make financial reports to the CBC and Commission monthly and as requested.

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Section 216. Board and Gaming Operations Budget

- (A) The Board of Directors shall develop annually, prior to the beginning of the Nation's fiscal year, a budget for the Nation's gaming operations, including projected revenue and proposed capital expenditures, loan payments, contingency reserves, and expenses of operation.
- (B) Said proposed budget, which shall include the Commission's budget determined independently pursuant to Section 315, shall be submitted to the CBC for approval by resolution.
- (C) The Board of Directors and gaming operations may obtain and pay for such capital improvements, furnishings, equipment, supplies, stationery, subscriptions, employees, and services as it deems necessary or desirable to carry out its functions within the limit of the budgeted funds and expenditures approved by the CBC pursuant to this section.

Section 217. Remittance of Net Gaming Revenues

- (A) The Board of Directors shall determine and remit **monthly** to the Nation the Net Revenues generated by the gaming operations in accordance with the approved budget pursuant to Section 216 and as directed by resolution of the CBC.
- (B) The Board of Directors shall remit to the Commission monthly or as requested by the Commission a pro rata share for such period of the Board's portion of the Commission funding in accordance with the budget approved by the CBC pursuant to Section 216.

Section 218. Incorporation of Board

The CBC **may** organize the Board of Directors into a corporation, agency, or other appropriate business entity.

Section 219. Annual Audit

- (A) The Nation, through the Board of Directors, shall cause an annual outside independent audit of gaming operations (including the operations of the Board of Directors) to be conducted, which may be encompassed within existing independent audit systems of the Nation, and shall submit the resulting audit reports to the CBC, Commission and NIGC within **110** days from the close of the fiscal year.
- (B) All contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually (except contracts for professional legal and accounting services) relating to gaming authorized and regulated hereunder

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shall be specifically included within the scope of the audit that is described in subsection (A) above.

Section 220. Patron Dispute Resolution

- (A) The Board of Directors shall adopt and implement policies and procedures for resolving Patron disputes against the gaming facilities, its employees, or management contractor involving prize and/or tort claims.
- (B) Such policies and procedures shall at a minimum be consistent with any applicable legal requirements.
- (C) The maximum amount of damages payable for any tort claim for personal injury or property damage shall be limited to liability insurance coverage maintained by the facility which shall, at a minimum, be consistent with any applicable Compact requirements.
- (D) The maximum amount payable for any prize claim shall be the amount of the prize which the claimant establishes he/she was entitled to be awarded.

Sections 221-229 RESERVED

Section 230. Office of Chief Executive Officer Established

In the absence of a Management Contractor approved by the CBC and NIGC, there is established the position of Chief Executive Officer of the Board of Directors because effective operation of the Nation's gaming operations requires active supervision on a daily basis, and also requires that management oversight should be separated from the daily management of a gaming operations workforce.

Section 231. Appointment of Chief Executive Officer

The Board of Directors shall hire and direct a Chief Executive Officer of the Board of Directors to oversee and manage the day-to-day operations and employees of the Nation's gaming operations, and who shall serve as a full-time, at-will employee of the Board of Directors.

Section 232. Removal of Chief Executive Officer

The Board of Directors shall have the authority to remove the Chief Executive Officer at its discretion upon majority vote of the Board of Directors at a meeting duly convened for such purpose; a decision to remove the Chief Executive Officer shall be final and not subject to further appeal to the Employee Board of Review or any other venue.

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Section 233. Duties of Chief Executive Officer

Among other duties as delegated by the Board of Directors, in accordance with Section 206 this Ordinance, the Chief Executive Officer shall have the following duties:

- (A) Management of the budget of the Board of Directors and gaming operations;
- (B) Development of policies and procedures to promote development, protect Patrons, employees, and property, promote operational efficiency, reduce operating costs, comply with relevant laws and regulations, and encourage growth of Net Revenues;
- (C) Direct supervisory authority over all employees of the Board of Directors;
- (D) Board of Directors employee scheduling;
- (E) Execution of Board of Directors policy and procedure;
- (F) Enforcement of this Ordinance and Commission regulations; and
- (G) Serving as the official liaison of the Board of Directors between it and the Commission.

Section 234. Chief Executive Officer License

The candidate for the position of Chief Executive Officer must satisfy the suitability standards set forth for Key Employees and Primary Management Officials, found in Section 407 of this Ordinance and such background investigations shall be performed under the direction of the Commission.

Section 235. Qualifications of Chief Executive Officer

The Chief Executive Officer shall be subject to the same education and experience requirements as outlined in Section 205 of this Ordinance for the Directors, except that the Chief Executive Officer shall have a minimum of **ten (10)** years work experience in the executive management of similarly-sized business entities, including professional casino management experience.

Section 236. Compensation of Chief Executive Officer

The Chief Executive Officer shall be compensated at a level determined by the Board of Directors, provided that the Chief Executive Officer's compensation may be based on performance standards approved by the Board of Directors.

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Section 237. Eligibility of Chief Executive Officer

- (A) No member of the CBC, Board of Director, or Tribal Gaming Commission may serve as Chief Executive Officer; and
- (B) No person directly related to or living with any CBC member, Board of Director or Tribal Gaming Commissioner may serve as the Chief Executive Officer.

Sections 238 - 299 RESERVED

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PART 300. COMANCHE NATION GAMING COMMISSION

Section 301. Gaming Commission Established

- (A) There is hereby established an agency of the Nation which shall be known as the "**Comanche Nation Gaming Commission**" (hereinafter "Commission") whose duty it is to regulate the Nation's gaming operations.
- (B) The purpose of the Commission is regulatory, not managerial, and therefore, the Commission shall not interfere with the management of the Nation's gaming operations except for citing violations of, and enforcing compliance with, applicable gaming laws.
- (C) The operations of the Commission, including management and staff hired thereby, shall be an authorized gaming-related operating expense of the gaming operations for purposes of audit and determination of Net Revenues hereunder, and for purposes of the determination of Net Gaming Revenue subject to distribution under the Nation's Revenue Allocation Plan.

Section 302. General Authority of Commission

- (A) The Commission shall conduct oversight of the Nation's gaming operations to ensure compliance with Tribal, Federal, and, if applicable, State laws and regulations.
- (B) The Commission shall serve as the licensing authority for individuals employed in the gaming operation and for vendors conducting business with the gaming operation and shall administer background investigations as part of the licensing process.
- (C) The Commission shall monitor compliance with the internal controls standards for the gaming operation and track the generation and expenditure of revenues.
- (D) In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the gaming operations and to all records of the gaming facilities and Board of Directors.
- (E) The Commission shall have authority to take enforcement actions, including suspension or revocation of any individual or vendor gaming license and the levying of fine when appropriate.

Section 303. Commission Composition

- (A) The Commission shall consist of four (4) members, one of whom shall be designated non-voting alternate, and at least one of whom shall be an enrolled

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member of the Comanche Nation and shall be designated Chairman, Vice-Chairman, one additional Commissioner, and one alternate Commissioner.

- (B) The Commissioners shall elect a Chairman from among them, whose duty it shall be to call for and preside over all meetings and hearings and to execute official documents of the Commission.
- (C) In addition, the Commissioners shall elect a Vice-Chairman who shall perform the duties of the Chairman in the Chairman's absence.
- (D) Commissioners shall serve in such capacity until his/her respective successor shall be duly appointed and qualified unless removed in accordance with this Ordinance prior to the expiration of a term.

Section 304. Commission Role

- (A) The Nation recognizes the importance of an independent Commission in maintaining a well-regulated gaming operation.
- (B) The Commission shall act independently and autonomously from the CBC in all regulatory matters within its purview.
- (C) No prior or subsequent review by the CBC of any actions of the Commission shall be required or permitted except as otherwise explicitly provided in this Ordinance.

Section 305. Commissioner License

Nominees for positions of Commissioner must satisfy the suitability standards set forth for Key Employees and Primary Management Officials, found in Section 407 of this Ordinance and regulations promulgated hereunder, in order to qualify for and retain office.

Section 306. Commissioner Qualifications

In addition to satisfying the licensing suitability standards set forth for Key Employees and Primary Management Officials found in Section 407 of this Ordinance, each candidate for Commissioner must meet one (1) of the following two (2) requirements:

- (A) A high school diploma; at least four (4) years' work experience in a highly-regulated industry in the field of business management, compliance, or regulation; and at least one of the following:
 - (1) Demonstrated knowledge of Licensing requirements for gaming establishments;

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- (2) Demonstrated knowledge of Surveillance requirements for gaming establishments; or
- (3) Demonstrated knowledge of Compliance and Audit requirements for gaming establishments;

OR

- (B) A Bachelor's degree in Business Administration, Management, Accounting, Marketing, Law, or another relevant field, with a preference given to candidates with a relevant graduate degree; at least two (2) years' work experience in a highly-regulated industry in the field of business management, compliance or regulation; and at least one of the following:
 - (1) Demonstrated knowledge of Licensing requirements for gaming establishments;
 - (2) Demonstrated knowledge of Surveillance requirements for gaming establishments; or
 - (3) Demonstrated knowledge of Compliance and Audit requirements for gaming establishments.

Section 307. Commission Duties

The Commission shall:

- (A) Conduct or cause appropriate background investigations to be conducted on, at a minimum, Primary Management Officials, Key Employees and other persons required to be licensed;
- (B) Review and approve all investigative work conducted;
- (C) Report results of background investigations to the NIGC;
- (D) Obtain and process fingerprints, or designate a law enforcement agency to obtain and process fingerprints;
- (E) Make licensing suitability determinations, which shall be signed by the Chairman of the Commission (or designee);
- (F) Issue gaming licenses to Vendors, officials, officers, and employees of the Board and Commission as authorized by this Ordinance, consistent with the applicable suitability determination;
- (G) Establish suitability standards for licensing the Nation's gaming operations, employees of the Board of Directors and Commission, and Vendors;

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- (H) Issue facility gaming licenses to the Nation's gaming operations;
- (I) Inspect, examine and monitor all gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming operations and the Board of Directors;
- (J) Ensure compliance with all Tribal, Federal and applicable State laws, rules, and regulations regarding Indian gaming;
- (K) Investigate any suspicion of wrongdoing associated with any gaming activities;
- (L) Comply and ensure compliance with any and all reporting requirements under the IGRA, Compact, and any other applicable law;
- (M) Promulgate regulations necessary to comply with applicable internal control standards and other laws relevant to the Nation's gaming operations;
- (N) Promulgate regulations concerning the levying of fees associated with gaming license applications, employee gaming license process and issuance, and the licensing of gaming machines;
- (O) Promulgate regulations concerning the levying of fines, and/or the denial, suspension or revocation of gaming licenses for violations of the Gaming Ordinance, or any other Tribal, Federal, or State, if applicable, gaming regulations;
- (P) Establish a list of persons not allowed to game in the Nation's gaming facilities or allowed to hold a gaming license in order to maintain the integrity of the gaming;
- (Q) Establish and maintain a list of persons who have voluntarily asked to be excluded from the Nation's gaming facilities and create regulations for enforcing this exclusion;
- (R) Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of Tribal, Federal, or State statutes, ordinances, or resolutions;
- (S) Create and maintain a list of regulatory authorities that conduct Vendor background investigations and licensing which the Commission recognizes as trustworthy;
- (T) Draft and enforce regulations exempting specific types of Vendors from the licensing and/or background investigation, including but not limited to, attorneys, accountants, and other professionals;

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- (U) Promulgate such tribal internal control standards (TICS), regulations and procedures as it deems appropriate to implement the provisions of this Ordinance, to comply with other relevant laws, or to promote effective regulation of gaming;
- (V) Oversee the work of the Executive Director, and delegate to the Executive Director such tasks as the Commission deems necessary;
- (W) Organize the Commission staff and functions to carry out its duties efficiently and effectively;
- (X) Establish and implement employee policies, rates of pay, benefits, hours of work, and training;
- (Y) Approve policies, procedures, and contracts adopted by the Board of Directors or gaming operations; and
- (Z) Perform such other duties the Commission determines appropriate for the regulation of the Nation's gaming operation.

Section 308. Confidentiality of Commission Records

- (A) The Commission shall ensure that all records and information obtained as a result of background or compliance investigation or for any other purpose shall be deemed Confidential Information and treated in accordance with Section 112.
- (B) Information obtained during the course of background or compliance investigation may be disclosed to the Board of Directors, Executive Management or relevant human resource personnel of the gaming operation on a need-to-know basis for actions taken in their official capacities.
- (C) The prohibitions of this Section do not apply to requests for Confidential Information from any Tribal, Federal or State law enforcement or regulatory agency, or for the use of such information or records by the Commission and staff, in the performance of their official duties.

Section 309. Appointment of Commissioner

- (A) For any vacancy on the Commission, the Chairman of the Comanche Nation shall call for resumes from candidates.
- (B) The CBC shall review resumes received and shall choose from among them a person meeting the qualifications of this Ordinance.
- (C) The CBC shall confirm such appointment by resolution.

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- (D) Each Commissioner shall be designated as Commissioner 1, Commissioner 2, Commissioner 3, or Alternate Commissioner. Terms of Office for Commissioners shall be three (3) year terms and each staggered by one year to result in the appointment of one (1) Commissioner per year, except that the term of the Alternate Commissioner shall coincide with Commissioner 3. A Commissioner may be re-appointed by the CBC without limitation on the number of terms.

Section 310. Disqualification of Commissioner

The following persons are not eligible to serve as Commissioners:

- (A) CBC members, while serving as such;
- (B) Employees of the gaming operation, while employed as such;
- (C) Persons having a direct or indirect financial interest in a management contract, gaming contractors (including any principal or member of a management or other contracting company);
- (D) Persons directly related to or sharing a residence with any of the above;
- (E) Persons ineligible to be licensed as Key Employees or Primary Management Officials;
- (F) Tribal and Non-tribal members previously convicted of a felony, of embezzlement, of theft, or of any other money-related crime or honesty-related crime (such as fraud).

Section 311. Removal of Commissioner

The independence of the Commission is essential to a well-regulated gaming operation. For that reason:

- (A) Commissioners may only be removed from office by the CBC prior to the expiration of their respective terms for neglect of duty, misconduct, malfeasance, or other acts that would render a Commissioner unqualified for his/her position.
- (B) Any allegations of neglect of duty, misconduct, malfeasance, or other acts that would render him or her unqualified for his/her position must be substantiated by a preponderance of the evidence.
- (C) Such Commissioner will be given an opportunity to provide evidence rebutting the grounds for their proposed removal before the removal is considered.

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- (D) A vote of the CBC on the appropriateness of removal shall be final and not subject to further appeal.
- (E) A wrongful removal shall entitle the affected Commissioner to compensation for expenses incurred in an appeal and any pay withheld.
- (F) The unexpired term of a Commissioner removed under this Section shall be filled in accordance with this Ordinance.

Section 312. Commission Quorum and Role of Alternate

- (A) A majority of the Commission shall constitute a quorum and a concurrence of a majority of the voting members appointed to the Commission shall be required for any final determination by the Commission.
- (B) The alternate Commissioner may attend all meetings of the Commission, but shall not count toward a quorum, vote, or take other official action unless a voting Commissioner is unavailable.
- (C) The Commission may act in its official capacity even if there are vacancies on the Commission.

Section 313. Commissioner Compensation

- (A) Commissioners shall be compensated at a level determined by the CBC.
- (B) Commissioner compensation shall **not** be based on a percentage of gaming revenue to ensure the Commission is not improperly influenced.
- (C) Commissioners shall not be considered employees of the Nation or gaming operations for any purpose and shall carry out the responsibilities of their terms on a part-time periodic basis.

Section 314. Commission Meetings

- (A) The Commission shall hold regular meetings monthly and special meetings or hearings as needed.
- (B) The Commission shall keep a written record of all its meetings and make compliance reports to the CBC (or its designee) and the Board of Directors as requested.

Section 315. Commission Budget

- (A) The Commission shall develop annually, prior to the beginning of each fiscal year, a budget for its operations, including personnel costs, capital

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expenditures, and equipment upgrades, which shall be funded as an operating expense of the gaming operations with supplemental revenue generated by fees.

- (B) The Commission budget shall be included as a part of the annual operating budget submitted by the Board of Directors for the gaming operations pursuant to Section 216.
- (C) The Commission may obtain such furnishings, equipment, supplies, stationery, subscriptions, employees, and services as it deems necessary or desirable to carry out its functions within the limit of the budgeted funds approved by the CBC pursuant to Section 216.

Sections 316-329 RESERVED.

Section 330. Office of Executive Director Established

There is established the position of Executive Director of the Commission because effective operation of a Commission requires active supervision on a daily basis, and also requires that true regulation should be separated from the daily management of a Commission workforce.

Section 331. Appointment of Executive Director

The Commission shall hire and direct an Executive Director of the Commission to oversee and manage the day-to-day operations and employees of the Commission, and who shall serve as an at-will, full-time employee of the Commission.

Section 332. Removal of Executive Director

The Commission shall have the authority to remove the Executive Director at its discretion upon majority vote of the Commission at a meeting duly convened for such purpose; a decision to remove the Executive Director shall be final and not subject to further appeal to the Employee Board of Review or any other venue.

Section 333. Duties of Executive Director

Among others as delegated by the Commission in accordance with Section 307(V) of this Ordinance, the Executive Director shall have the following duties:

- (A) Management of the Commission budget;

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- (B) Coordination of regulatory activity scheduling;
- (C) Direct supervisory authority over all employees of the Commission;
- (D) Commission employee scheduling;
- (E) Execution of Commission policy and procedure;
- (F) Enforcement of this Ordinance and Commission regulations; and
- (G) Serving as the official liaison of the Commission between the Board of Directors.

Section 334. Executive Director License

The candidate for the position of Executive Director must satisfy the suitability standards set forth for Key Employees and Primary Management Officials, found in Section 407 of this Ordinance.

Section 335. Qualifications of Executive Director

The Executive Director shall be subject to the same education and experience requirements as outlined in Section 306 of this Ordinance for the Commissioners, **except** that the Executive Director shall have a minimum of five (5) years work experience in the management, compliance, or regulation of a business in a highly-regulated industry.

Section 336. Compensation of Executive Director

The Executive Director shall be compensated at a level determined by the Commission, provided that the Executive Director's compensation shall **not** be based on a percentage of gaming revenue.

Section 337. Eligibility of Executive Director

The Executive Director shall be subject to the same eligibility requirements that are imposed on the Commissioners, as found in Section 310 of this Ordinance.

Sections 338-399 RESERVED.

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PART 400. LICENSING

Section 401. Employee Licenses

- (A) The Nation through the Commission shall ensure that the policies and procedures set forth in this Ordinance are implemented with respect to Key Employees and Primary Management Officials employed at any gaming enterprise operated on Indian lands, as well as Commissioners, including any other persons required by this Ordinance to have a gaming license.
- (B) The Nation through the Commission shall issue licenses and perform background investigations according to requirements at least as stringent as 25 C.F.R. Parts 556 and 558.
- (C) Key Employees and Primary Management Officials must obtain and maintain a gaming license from the Commission in order to be employed at a gaming operation of the Nation.
- (D) The Commission may promulgate regulations and standards concerning the licensing or permitting of gaming employees other than Key Employees and Primary Management Officials if the Commission deems it in the best interests of the Nation.

Section 402. License Application Forms

- (A) The following notice shall be placed on the Nation's gaming license application form:
 - (1) "In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by the Nation and the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when necessary pursuant to a requirement by a Tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigation of activities while associated with a Tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a Tribe being

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unable to hire you in a primary management official or key employee position."

- (2) "The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application."

- (B) The following additional notice shall be placed on the Nation's gaming license application form:

"A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment." (U.S. Code, Title 18, section 1001).

- (C) The Commission shall notify in writing existing Key Employees and Primary Management Officials who have not completed an application containing the notices set forth above that they shall either:

- (1) Complete a new application form that contains both the Privacy Act and false statement notices; or
- (2) Sign a statement that contains the Privacy Act and false statement notices and consent to the routine uses described in that notice.

Section 403. License Fees

The Nation may charge a reasonable fee, to be set by the Commission, to cover its expenses in investigating and licensing Key Employees, Primary Management Officials, other persons, and Vendors of the gaming operation required to be licensed.

Section 404. Fingerprints

- (A) The Commission shall require each applicant for a gaming license to have fingerprints taken as part of the license application procedure.
- (B) When applicable, fingerprints shall be forwarded to the NIGC for processing through the FBI and NCIC to determine the applicant's criminal history, if any.

Section 405. Background Investigations

- (A) The Commission is responsible for conducting background investigations and suitability determinations.
- (B) The Commission shall request from each Primary Management Official and from each Key Employee or other person required to obtain such level of gaming license all of the following information:

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- (1) Full name;
- (2) Other names used (oral or written);
- (3) Social security number(s);
- (4) Birth date;
- (5) Place of birth;
- (6) Citizenship;
- (7) Gender;
- (8) All languages spoken (or written);
- (9) Currently and for the previous five (5) years:
 - (a) business and employment positions held;
 - (b) ownership interests in those businesses;
 - (c) business and residence addresses; and
 - (d) drivers license numbers;
- (10) The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (B)(9) of this Section;
- (11) Current business and residence telephone numbers;
- (12) A description of any existing and previous business relationships with any Indian tribe, including ownership interests in those businesses;
- (13) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (14) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

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- (15) For each felony conviction or ongoing felony prosecution, within 10 years of the date of the application, the charge, the name and address of the court involved, and the date and disposition;
- (16) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten (10) years of the date of the application, the name and address of the court involved and the date and disposition;
- (17) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to paragraph (B)(15) or (B)(16) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- (18) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (19) A photograph taken within a year of the date of application;
- (20) Fingerprints; and
- (21) Any other information the Commission deems relevant.

Section 406. Procedures for Conducting a Background Check on Applicants

- (A) As part of its review procedure, the Commission shall employ within its Licensing Department, or engage, sufficient investigators to conduct a timely background investigation, in accordance with Section 409(B), on each applicant in order to allow the Commission to make an eligibility determination under Section 407 below.
- (B) An investigator shall:
 - (1) Verify the applicant's identity through items such as a social security card, drivers license, birth certificate, or passport;
 - (2) Contact each personal and business reference provided in the License Application, when possible;
 - (3) Obtain a personal credit check;
 - (4) Conduct a civil history check;

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- (5) Conduct a criminal history check via the submission of the applicant's fingerprints to the NIGC, and further obtain information from any court or other reliable source regarding past felony and/or misdemeanor convictions and criminal charges within the last ten (10) years;
 - (6) Inquire into any previous or existing business relationships with the gaming industry and Indian tribes by contacting such entities or tribes;
 - (7) Verify the applicant's history and status with any licensing agency by contacting such agency; and
 - (8) Take other appropriate steps to verify the accuracy of the information, focusing on problem areas noted.
- (C) The investigator shall create an investigative report noting the steps taken, information gained, potential problem areas, and relevant disqualifying information.
- (D) The Commission and its investigator shall keep confidential the identity of each person interviewed in the course of the investigation, other than disclosure as required under Federal, Tribal, or applicable State law.

Section 407. Gaming License Eligibility Determination

- (A) The Commission shall review a person's prior activities, criminal record, if any, reputation, habits, and associations and shall make a determination concerning the eligibility of a person required by this Ordinance to have a license issued by the Commission as a condition of employment, transacting business, or holding office.
- (B) If the Commission determines that a person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods or activities in the conduct of gaming, the Commission shall not license that person and such person shall not be employed by the Board of Directors or any casino operation.
- (C) Subsequent to issuance of a gaming license, the Commission has an affirmative duty to investigate and verify additional information from reliable sources which could affect the eligibility determination of a Commission licensee.

Section 408. Procedures for Forwarding License Applications and Reports to the NIGC

- (A) For a Key Employee or Primary Management Official who is hired to work at the Nation's gaming operation or for any other person required to have a

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gaming license authorized by this Ordinance, the Commission shall forward to the NIGC a completed application for employment and conduct the background investigation and make the determination referred to in Section 407 of this section.

- (B) The Nation's gaming operations shall not continue to employ as a Key Employee or Primary Management Official a person who does not have an approved gaming license within ninety (90) days of his/her date of hire.
- (C) No person required by this Ordinance to have license shall assume the duties of his or her office or employment prior to receiving an appropriate license from the Commission.

Section 409. Report to the NIGC

- (A) Before issuing an approved gaming license, the Commission shall prepare and forward a report on each background investigation to the NIGC, and such investigative report shall include all of the following:
 - (1) Steps taken in conducting a background investigation;
 - (2) Results obtained;
 - (3) Conclusions reached; and
 - (4) The bases for those conclusions.
- (B) The Commission shall forward the completed investigative report to the NIGC within sixty (60) days after an employee begins work or within sixty (60) days of the approval of this Ordinance by the Chairman of the NIGC.
- (C) The Commission shall submit, with the investigative report, a copy of the eligibility determination, unless the NIGC shall have advised the Commission that the submission of the eligibility determination is not necessary, and such determination shall include a statement:
 - (1) Describing how the information submitted by the applicant was verified;
 - (2) Of results following an inquiry into the applicant's prior activities, criminal record, if any, and reputation, habits and associations;
 - (3) Showing the results of interviews of a sufficient number of knowledgeable people (such as former employers, personal references, and others referred to by the applicant) in order to provide a basis for

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the Commission to make a finding concerning the eligibility for licensing required for employment in a gaming operation; and

- (4) Documenting the disposition of all potential problem areas noted and disqualifying information obtained.

Section 410. Decision to Not Issue License

If the Commission decides not to issue a license to an applicant, the Commission:

- (A) Shall notify the applicant and NIGC of the basis for such denial, and the Board of Directors of such denial; and
- (B) Shall forward copies of its eligibility determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records System after the expiration of any waived appeal process or after the conclusion of an unsuccessful appeal process.

Section 411. Penalties for Continued Employment of or Transaction with Un-licensed Person

Continued employment of any employee, especially a Key Employee or Primary Management Official, or continued transaction with a Vendor following a determination that an employee or Vendor is ineligible for a license or has had a license revoked shall constitute grounds for the revocation or suspension of any license held by the employer, supervisor, or principal, and/or the issuance of fines or penalties to the employer, supervisor, or principal.

Section 412. Appeal of License Ineligibility

- (A) Any person or Vendor determined ineligible for a Key Employee, Primary Management Official, or Vendor gaming license may appeal such determination to the Commission under regulations promulgated by the Commission.
- (B) After a hearing, the Commission shall make a determination whether the appellant is eligible for a gaming license.
- (C) The Commission's eligibility determination shall be final and shall not be subject to further appeal or review.

Section 413. Retention of License Records

With respect to all employees and persons required to be licensed, and in particular Key Employees, and Primary Management Officials, the Commission shall retain applications for licensing and reports (if any) of background investigations for inspection by the

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Chairman of the NIGC or his/her designee for not less than **three (3) years** from the date of termination of employment.

Section 414. Granting An Individual Gaming License

- (A) If, within a thirty (30) day period after the NIGC receives a report pursuant to Section 409, the NIGC notifies the Nation that it has no objection to the issuance of a license pursuant to a license application filed by a Key Employee, or a Primary Management Official, or other person required by this Ordinance to have a license, for whom the Nation has provided an application and investigative report to the NIGC, the Commission, acting for the Nation, may issue a license to such applicant.
- (B) The Commission shall respond to a request for additional information from the Chairman of the NIGC concerning a license applicant who is the subject of a report, and such a request shall suspend the 30-day period under paragraph (A) of this Section until the Chairman of the NIGC receives the additional information.
- (C) If, within the thirty-day (30-day) period described above, the NIGC provides the Nation with a statement itemizing objections to the issuance of a license to a license applicant for whom the Commission has provided an application and investigative report to the NIGC, the Commission shall reconsider the application, taking into account the objections itemized by the NIGC, and the Commission shall make the final decision whether to issue a license to such applicant.

Section 415. Licenses for Vendors

- (A) The Commission shall promulgate regulations governing the licensing of Gaming Vendors and registration of Non-gaming Vendors, which may include, but shall not be limited to, matters such as establishing various categories for vendors and facility check-in requirements based upon the Commission's determination of the level of threat to the public interest or to enhance the effective regulation of gaming.
- (B) The Commission shall promulgate regulations governing the levying of fees to defray the reasonable costs of Vendor licensing and/or registration.

Section 416. Facility Licenses

- (A) The Commission shall issue a separate license to each place, facility, or location on Indian lands where Class II and/or Class III gaming is conducted under this Ordinance once every **three (3) years**.

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- (B) The Commission shall specify the form, conditions and content for the application for such licenses, which shall be submitted by the Board of Directors, and the initial application shall include:
 - (1) a legal description of the lands whereon the facility is located and a certification that said premises constitute "Indian lands" as specified in the Indian Gaming Regulatory Act; and
 - (2) a provision identifying the environmental, health, and public safety standards with which the facility must comply, and a certification that the facility is in compliance therewith.
- (C) Each subsequent application for the renewal of such facility license shall identify any changes or additions to said legal description and applicable environmental, health, and safety standards, and shall include current certifications of compliance therewith.
- (D) The Commission shall only issue a facility license if the application therefore includes the required information and certifications and such further conditions as the Commission shall have specified.

Section 417. License Suspension

If, after the issuance of any gaming license, the Commission receives, from the NIGC or any other source, or discovers reliable information indicating that any licensed employee or official, or a licensed Vendor may no longer meet the eligibility determination pursuant to Section 407 to retain such license, the Commission shall suspend such license and shall immediately notify the licensee and Board of Directors' designee in writing of the suspension and the proposed revocation of such license.

Section 418. License Revocation Hearing

- (A) The Commission shall set a hearing on a proposed revocation of a gaming license suspended pursuant to Section 417 in accordance with regulations promulgated hereunder and notify the licensee and the Board of Directors of a time and a place for a hearing on the proposed revocation of such license.
- (B) After a revocation hearing, the Commission shall decide to revoke or to reinstate a gaming license with or without conditions.
- (C) The Commission shall notify the Board of Directors, licensee, and NIGC of its decision which shall be final and not subject to further appeal in any venue.

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PART 500. ETHICS

Section 501. Standards for Directors and Commissioners

The Nation recognizes that the duties of the Board of Directors and the Commission include making important decisions on highly sensitive, pecuniary, and sometimes controversial issues, and as such, the Nation has determined that the Board of Directors and the Commission shall be held to extremely high ethical standards.

Section 502. Guiding Principles of Ethical Conduct

Prior to taking their positions on the Board and the Commission, the Members shall agree to be bound by the following principles:

- (A) No member of the Board of Directors or the Commission shall use or attempt to use, any actual or apparent authority of their position or office, which places or could reasonably be perceived as placing their financial interests, or the financial interests of a family member, or any other business interest with which they are associated, before the best interests of the Comanche Nation.
- (B) The Board of Directors and the Commission are operating with the paramount goal of carrying out the best interest of the Comanche Nation.
- (C) It is the intent of this Section, that members of the Board of Directors and the Commission avoid any action, whether or not specifically prohibited herein, which could result in, or create an appearance of:
 - (1) Using their office for private gain;
 - (2) Giving improper preferential treatment to any person or business;
 - (3) Compromising the complete independence or impartiality of their actions;
 - (4) Making a decision affecting the gaming operations or Commission outside the scope of his or her official capacity;
 - (5) Adversely affecting the confidence of the Comanche Nation members in the integrity of the gaming operations or Commission.
- (D) No member of the Board of Directors or the Commission shall use or disclose Confidential Information gained in the course of, or by reason of, their official position or duties to unauthorized persons or entities, or to further the financial interest or personal interest of any entity or person other than the Nation.

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- (E) Any member of the Board of Directors or Commission desiring to take employment under the supervision of either body must resign his/her position prior to applying for such employment.
- (F) No member of the Board of Directors or Commission may serve in an operational or policymaking capacity with a tribal gaming organization of another tribe.

Section 503. Prohibited Complimentary Items

- (A) The use of Complimentary items shall be governed by regulations established by the Commission.
- (B) No Key Employee, Primary Management Official, CBC member, member of the Board of Directors or Commission, Commission employee, or any person directly related to or sharing a residence with such persons, shall be authorized to receive Complimentary items except food and beverages valued at under ten dollars (\$10.00), or, if at a public event held at a gaming facility, the same Complimentary items, food and beverages offered to the general public.
- (C) Complimentary items shall be included in the annual gaming operations budget pursuant to Section 216, with maximum limits specified.

Section 504. Gambling Prohibited

Members of the Board of Directors and Commissioners, gaming operation employees and Commission employees are prohibited from gambling in the gaming facilities of the Nation.

Section 505. Consequences of Ethical Violations

Violations of this Part shall constitute just cause for removal as a member of the Board of Directors or Commission or adverse action against an employee.

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PART 600. BOARD OF REVIEW FOR EMPLOYEE DISPUTES

Section 601. Board of Review Established

The Nation has determined that, in order to adhere to this Ordinance, all gaming regulations, and to provide a fair process, there shall be established a Comanche Nation Gaming Employee Board of Review ("**Board of Review**") which shall serve as the final review body for disputes by any employee of the Board of Directors or Comanche Nation gaming operations, except at-will employees specifically excluded by this Ordinance, for adverse employment actions pursuant to the personnel policy applicable to such employee.

Section 602. Authorized Disputes

For purposes of this Part, disputes subject to appeal to the Board of Review shall include only such disagreements with Executive Management or casino operations management concerning adverse employment actions for which the gaming operations personnel policy provides a right of appeal, but does not include regulatory or licensing actions taken by the Commission.

Section 603. Composition

The Board of Review shall consist of five (5) members comprised of one member from the Commission, one member from the CBC, one Primary Management Official/Key Employee, one non-management/non-key employee of the gaming operations, and one enrolled Comanche member not employed by the gaming operations,

Section 604. Selection

- (A) The Commission and CBC shall select one member from their respective group to serve as a member of the Board of Review and designate them as such by resolution of the respective body provided to the Commission.
- (B) The Board of Review members representing the gaming operation management/key employee group and non-management/non-key employees group shall be elected from their representative groups in accordance with procedures adopted by the Commission which the Commission shall certify by its resolution.
- (C) The enrolled Comanche member shall be appointed by the CBC by resolution provided to the Commission.

Section 605. Terms

- (A) Board of Review members shall serve one or more terms of three (3) years.

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- (B) At the expiration of the initial terms, all representative seats shall be for a term of three (3) years.
- (C) Board of Review members shall serve until his/her successor is duly appointed and qualified unless removed in accordance with this Part prior the expiration of his/her term.

Section 606. License

A member of the Board of Review shall be subject to the same background check and license requirements as Key Employees and Primary Management Officials, and must be licensed accordingly prior to taking office and in order to retain office.

Section 607. Compensation

- (A) The Board of Review members who are employed by the casino operation shall receive their normal rate of pay for the time they participate in meetings and hearings,
- (B) Board of Review members not employed by the Nation in some other capacity shall be compensated at a rate per meeting or hearing to be set by the Commission.
- (C) All Board of Review Members shall be reimbursed for actual costs incurred during the scope of his/her duties as a member of the Board of Review.

Section 608. Operational Costs and Administrative Assistance

- (A) Costs for the operation of the Board of Review shall be born by the Nation's gaming operations.
- (B) The Commission shall provide administrative assistance to the Board of Review.

Section 609. Regulations

The Commission is authorized to promulgate regulations related to Board of Review procedures not inconsistent with this Part.

Section 610. Organization

- (A) The Board of Review members shall elect a Chairperson from among them, whose duty it shall be to preside over all meetings and hearings.

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- (B) In addition, the members shall elect a Vice-Chairperson who shall be the custodian of any evidence submitted, and who shall preside in the Chairperson's absence.

Section 611. Meetings and Hearings

The Board of Review shall meet **monthly** to conduct its business and to hear disputes, and shall keep official records of the meetings and hearings.

Section 612. Decisions

No later than **seven (7) calendar** days following a hearing on an employee dispute, the Board of Review shall issue its decision in writing which shall be final when issued.

Section 613. Removal

- (A) No Board of Review member shall be removed prior to the end of his/her term without cause.
- (B) Removal shall be effectuated by a majority vote of the entire Board of Review, which shall be a final decision.

Section 614. Recusal

A Board of Review member shall not review or participate in deciding any dispute affecting himself/herself, or affecting any person directly related to him/her, or for which s/he could be called as a witness.